

U.S.A. vs

Ernesto Beltrán Torres No. *08mj1350*

The Court finds excludable delay, under the section indicated by check (☒),

commenced on 5/6/08 and ended on 5/9/08; ()
and ended on . ()

- 3161(h)
- ☐ (1) (A) Exam or hrg for mental or physical incapacity
- ☐ (1) (B) NARA examination (28:2902)
- ☐ (1) (D) State or Federal trials or other charges pending
- ☐ (1) (E) Interlocutory appeals
- ☐ (1) (F) Pretrial motions (from flg to hrg or other prompt dispo)
- ☐ (1) (G) Transfers from other district (per FRCrP 20, 21 & 40)
- ☐ (1) (J) Proceedings under advisement not to exceed thirty days
- ☐ Misc proc: Parole or prob rev, deportation, extradition
- ☐ (1) (H) Transportation from another district or to/from examination or hospitalization in ten days or less
- ☐ (1) (I) Consideration by Court of proposed plea agreement
- ☐ (2) Prosecution deferred by mutual agreement
- ☒ (3) (A) (B) Unavailability of defendant ~~or essential witness~~ *in detox*
- ☐ (4) Period of mental or physical incompetence of defendant to stand trial
- ☐ (5) Period of NARA commitment or treatment
- ☐ (6) Superseding indictment and/or new charges
- ☐ (7) Defendant awaiting trial of co-defendant when no severance has been granted
- ☐ (8) (A) (B) Continuances granted per (h) (8) -use "T" alone if more than one of the reasons below are given in support of continuance
- ☐ (8) (B) (I) 1) Failure to grant a continuance in the proceeding would result in a miscarriage of justice and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)
- ☐ 2) Failure to grant a continuance of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)
- ☐ (8) (B) (ii) 2) Case unusual or complex
- ☐ (8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty (30) days
- ☐ (8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare
(Continuance re counsel)
- ☐ 3161(I) Time up to withdrawal of guilty plea
- ☐ 3161(b) Grand jury indictment time extended thirty (30) more days

Date 5/4

[Signature]
Judge's Initials

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